

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

WALTER LOUIS GILLIAM, #081680

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:09-cv-99-DPJ-JCS

SHERIFF MALCOLM MCMILLIAN, et al.

DEFENDANTS

FINAL ORDER TO SHOW CAUSE

On February 18, 2009, the Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983 and requested *in forma pauperis* status. On June 16, 2009, an order [11] was entered directing Plaintiff to file a written response, on or before July 6, 2009. The Plaintiff was warned in this Court's order [11] of June 16, 2009, that failure to timely comply with the requirements of the order may lead to the dismissal of his complaint. Plaintiff failed to comply with this order [11]. On July 2, 2009, the envelope [13] containing the June 16, 2009, order [11] from this Court was returned with the notation "return to sender" and "not here."

On August 5, 2009, this Court entered an order [14] directing the Plaintiff to show cause why this case should not be dismissed for his failure to comply with the Court's order [11] of June 16, 2009. In addition, Plaintiff was directed to comply with this Court's order [11] of June 16, 2009, on or before August 20, 2009. The Plaintiff was warned in this Court's order [14] of August 5, 2009, that failure to advise this Court of a change of address or failure to timely comply with the requirements of the order may result in this cause being dismissed. Plaintiff failed to comply with this order. On August 13, 2009, the envelope [15] containing the August 5, 2009, order [14] from this Court was returned with the notation "return to sender" and "not here." Since Plaintiff is incarcerated and proceeding *pro se*, he will be given a final opportunity to comply with this Court's orders [11, 14] of June 16, 2009 and August 4, 2009. Accordingly, it

is hereby,

ORDERED:

1. That Plaintiff respond to this order to show cause, in writing, on or before October 9, 2009, why this case should not be dismissed for failure to comply with the Court's June 16, 2009 and August 5, 2009 orders.

2. That Plaintiff comply with the June 16, 2009 order [11] on or before October 9, 2009, by filing a written response to:

- (a) specifically state how Defendant Sheriff Malcolm McMillian violated Plaintiff's constitutional rights;
- (b) provide this Court with the full name of Defendant Corporal Brown;
- (c) provide this Court with the full name of Defendant Deputy Dotson;
- (d) provide this Court with the full name of Defendant Deputy White; and
- (e) provide this Court with the full name of Defendant Corporal Scott and specifically state how Defendant Corporal Scott violated Plaintiff's constitutional rights.

3. That failure to advise this Court of a change of address or failure to timely comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Plaintiff and will result in this cause being dismissed without further notice to the Plaintiff.

4. That the Plaintiff is required to file his original response to this order to show cause with the Clerk, P.O. Box 23552, Jackson, Mississippi 39225-3552. Failure to properly file a response may result in this civil action being dismissed.

THIS, the 24th day of September, 2009.

s/ James C. Sumner
UNITED STATES MAGISTRATE JUDGE